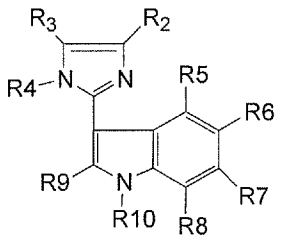
**Amendments to the Claims**

This Listing of Claims will replace all prior versions and listings of the claims in this application. Please amend the claims as follows:

1.-22. (Canceled)

23.(Withdrawn) A compound having the structural formula:




II

or a salt thereof, wherein:

R2 and R3 are independently aryl, substituted aryl, pyridyl, thienyl, substituted pyridyl, or substituted thienyl;

R4, R5, R6, R7, R8 and R9 are independently selected from hydrogen, halogen, hydroxyl, thiol, lower alkyl, substituted lower alkyl, lower alkenyl, substituted lower alkenyl, lower alkynyl, substituted lower alkynyl, alkylalkenyl, alkyl alkynyl, alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, substituted aryl, heterocycle, heteroaryl, substituted heterocycle, heteroalkyl, cycloalkyl, substituted cycloalkyl, alkylcycloalkyl, alkylcycloheteroalkyl, nitro, or cyano; and

R10 is H, alkyl, substituted alkyl, alkenyl, substituted alkenyl, alkynyl, substituted alkynyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, acyl, -$CH_2$-aryl, or -$CH_2$-heteroaryl;

with the proviso that (i) when R2 and R3 are independently selected from phenyl and substituted phenyl, then (a) R2 and R3 are not phenyl at the same time or (b) R2 and R3

R3 do not have the same substituents on the same position; and (ii) the compounds are other than:

3,3'-[5-(4-methoxyphenyl)-1H-imidazole-2,4-diyl]bis-1H-indole;

3-[4-(4-chlorophenyl)-5-phenyl-1H-imidazol-2-yl]-1-methyl-1H-indole;

3-[4-(4-bromophenyl)-5-phenyl-1H-imidazol-2-yl]-1-methyl-1H-indole;

3-[4-(4-methylphenyl)-5-phenyl-1H-imidazol-2-yl]-1-methyl-1H-indole;

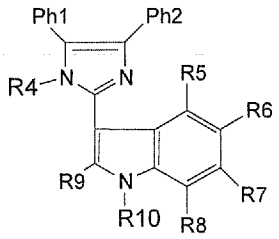
3-[4-(4-methoxyphenyl)-5-phenyl-1H-imidazol-2-yl]-1-methyl-1H-indole;

3-[4-(4-ethoxyphenyl)-5-phenyl-1H-imidazol-2-yl]-1-methyl-1H-indole;

4,4'-[2-(2-phenyl-1H-indol-3-yl)-1H-imidazole-4,5-diyl]bis[N,N-dimethyl]benzenamine;

4,4'-[2-(5-chloro-1H-indol-3-yl)-1H-imidazole-4,5-diyl]bis[N,N-dimethyl]benzenamine;

24.(Withdrawn) The compound according to claim 23 having the structural formula:



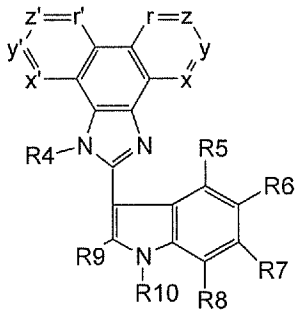

III

wherein:

Ph1 and Ph2 are independently selected from phenyl and substituted phenyl; and

R10 is H, alkyl, substituted alkyl, alkenyl, substituted alkenyl, alkynyl, substituted alkynyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, or acyl.

25.(Currently amended) A compound having the structural formula:




VI

or a salt thereof, wherein:

R4, R5, R6, R7, R8 and R9 are independently ~~selected from~~ hydrogen, halogen, hydroxyl, thiol, lower alkyl, substituted lower alkyl, lower alkenyl, substituted lower alkenyl, lower alkynyl, substituted lower alkynyl, alkylalkenyl, alkyl alkynyl, alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, substituted aryl, heterocycle, heteroaryl, substituted heterocycle, heteroalkyl, cycloalkyl, substituted cycloalkyl, alkylcycloalkyl, alkylcycloheteroalkyl, nitro, or cyano;

R10 is H, alkyl, substituted alkyl, alkenyl, substituted alkenyl, alkynyl, substituted alkynyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, or acyl;

x is CR11~~ or N~~;

y is CR12~~ or N~~;

z is CR13~~ or N~~;

r is CR14~~ or N~~;

x' is CR15~~ or N~~;

y' is CR16~~ or N~~;

z' is CR17~~ or N~~;

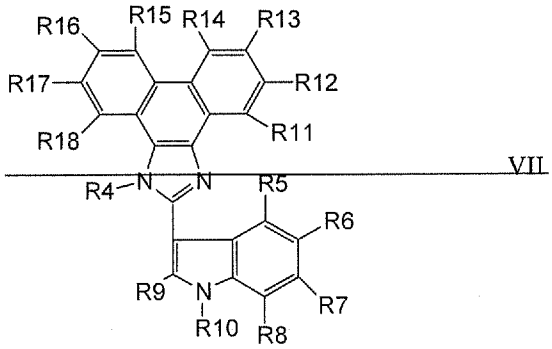
r' is CR18~~ or N; and~~

R11, R12, ~~R13,~~ R14, R15, R16~~, R17~~ and R18 are independently ~~selected from~~ hydrogen, halogen, hydroxyl, thiol, lower alkyl, substituted lower alkyl, alkenyl, ~~alkenyl,~~ alkylalkenyl, alkyl alkynyl, alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, substituted aryl, heterocycle, heteroaryl, substituted heterocycle,

heteroalkyl, cycloalkyl, substituted cycloalkyl, alkylcycloalkyl, alkylcycloheteroalkyl, nitro, or cyano; and

R13 and R17 are independently hydrogen, hydroxyl, thiol, lower alkyl, substituted lower alkyl, alkenyl, alkylalkenyl, alkyl alkynyl, alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, substituted aryl, heterocycle, heteroaryl, substituted heterocycle, heteroalkyl, cycloalkyl, substituted cycloalkyl, alkylcycloalkyl, alkylcycloheteroalkyl, nitro, or cyano.

26.(Currently amended) The compound according to claim 25, ~~having the structural formula~~:




VII

wherein:

R11, R12, ~~R13,~~ R14, R15, R16~~, R17~~ and R18 are independently ~~selected from~~ hydrogen, halogen, hydroxyl, thiol, lower alkyl, ~~substituted lower alkyl, alkenyl, alkenyl, alkylalkenyl, alkyl alkynyl,~~ alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, ~~substituted aryl, heterocycle, heteroaryl, substituted heterocycle, heteroalkyl, cycloalkyl, substituted cycloalkyl, alkylcycloalkyl, alkylcycloheteroalkyl,~~ nitro, or cyano; and

R13 and R17 are independently hydrogen, hydroxyl, thiol, lower alkyl, alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, nitro, or cyano.

27.– 39. (Canceled)

40. (Withdrawn) A pharmaceutical composition comprising a compound according to claim 23, and a pharmaceutically acceptable carrier or diluent.

41. (Withdrawn) The pharmaceutical composition according to claim 40, wherein said compound has structural formula III.

42. (Previously presented) A pharmaceutical composition comprising a compound according to claim 25, and a pharmaceutically acceptable carrier or diluent.

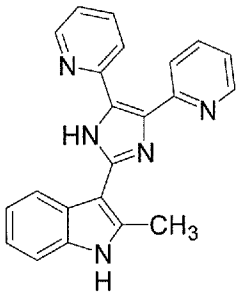
43. (Previously presented) The pharmaceutical composition according to claim 42, wherein said compound has structural formula VII.

44. (Withdrawn) The pharmaceutical composition according to claim 40, wherein said composition is a liposomal formulation.

45. (Previously presented) The pharmaceutical composition according to claim 42, wherein said composition is a liposomal formulation.

46.– 72. (Canceled)

73. (Withdrawn) The compound according to claim 23, wherein said compound is selected from:



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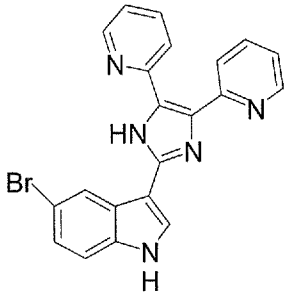

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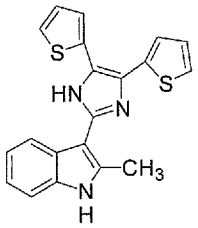

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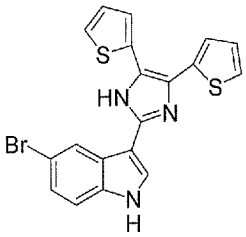

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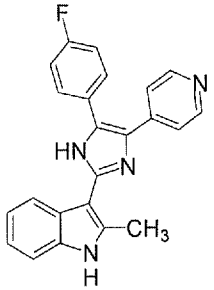

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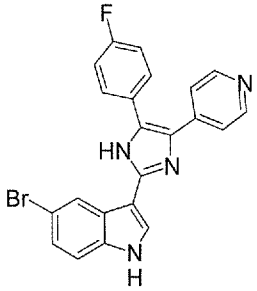

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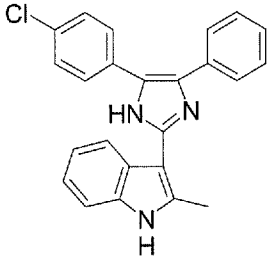

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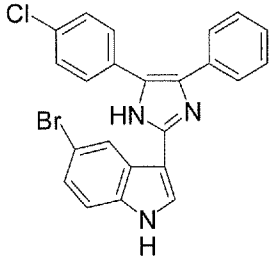

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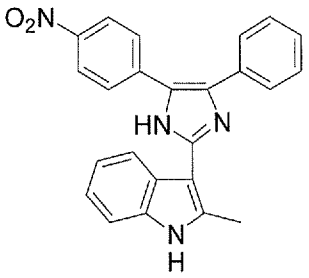


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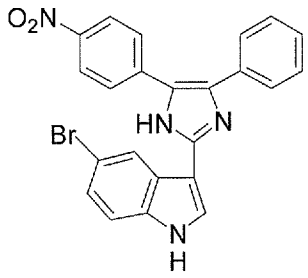


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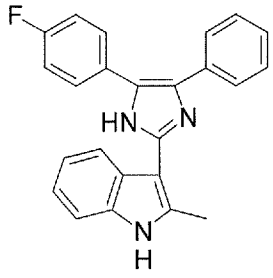


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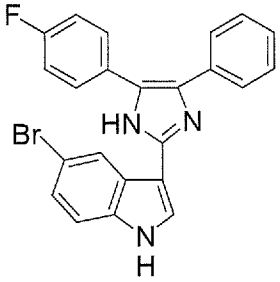
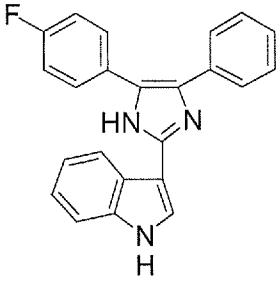
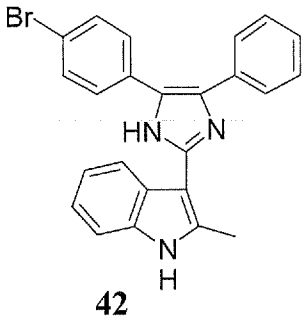


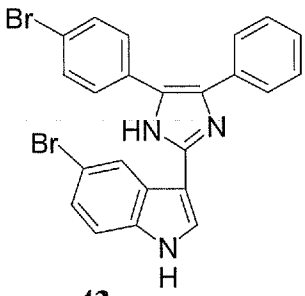

**36**



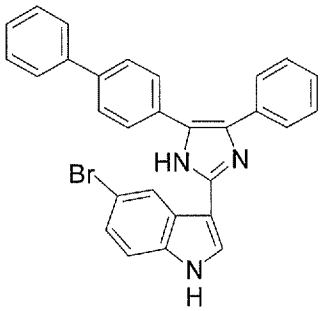

**37**



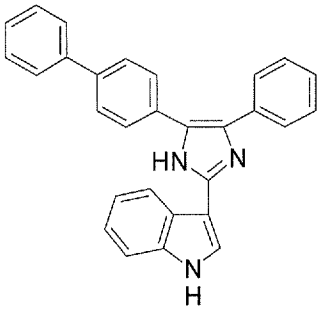

**42**



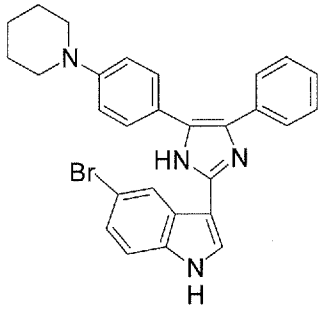

**43**




**48**




**49**

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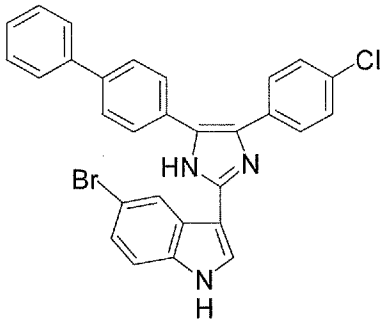


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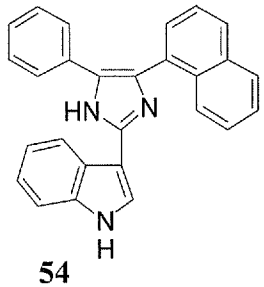
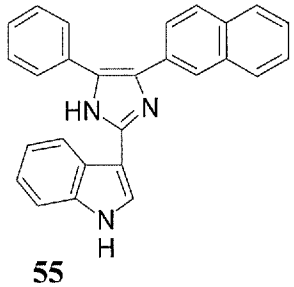
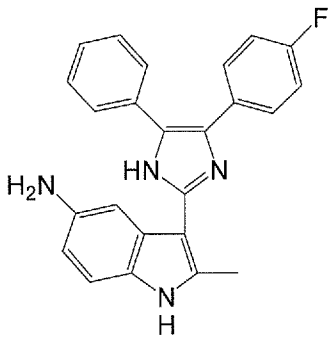


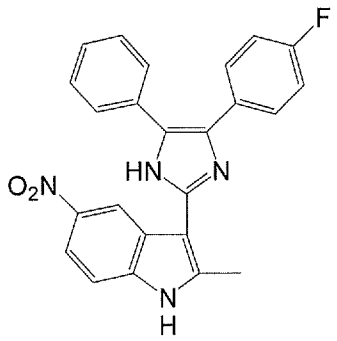

**54**



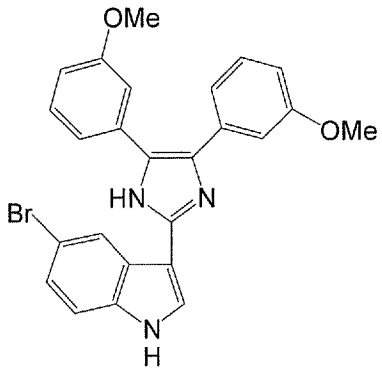

**55**




**75**

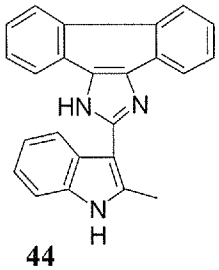



**77**

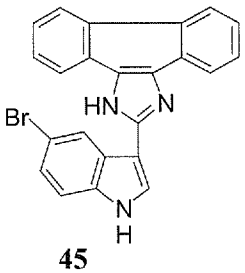



84

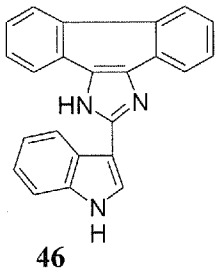
74. (Currently amended) The compound according to claim 25, wherein said compound is selected from:



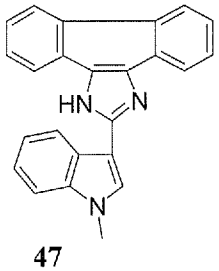

**44**



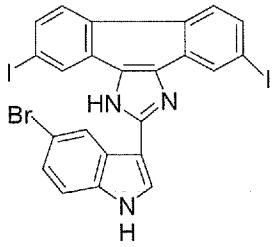

**45**



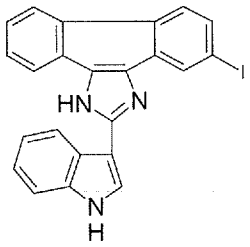

**46**



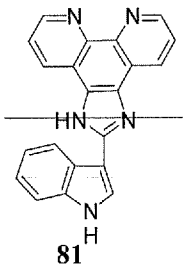

**47**



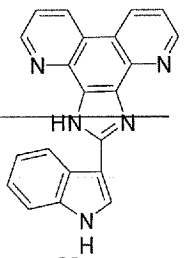

**52**




**53**




**81**




**82**

75.– 77. (Canceled)

78. (Withdrawn) The compound according to claim 23, wherein said compound is selected from compounds: **25**, **26**, **27**, **28**, **31**, **32**, **33**, **34**, **35**, **36**, **42**, **43**, **48**, **49**, **51**, **54**, **55**, **75** or **84.**

79. (Previously presented) The compound according to claim 25, wherein said compound is selected from compounds: **44, 45**, **46**, or **53**.

80. (Withdrawn) An anti-microbial composition comprising an effective amount of one or more compounds according to claim 23, and a carrier, diluent or excipient.

81. (Previously presented) An anti-microbial composition comprising an effective amount of one or more compounds according to claim 25, and a carrier, diluent or excipient.

82. (Withdrawn) The anti-microbial composition according to claim 80, wherein said anti-microbial composition is for inhibiting the growth and/or proliferation of a drug-resistant bacterium and said one or more compounds have anti-bacterial activity.

83. (Previously presented) The anti-microbial composition according to claim 81, wherein said anti-microbial composition is for inhibiting the growth and/or proliferation of a drug-resistant bacterium and said one or more compounds have anti-bacterial activity.

84. (Withdrawn) The anti-microbial composition according to claim 82, wherein said drug-resistant bacterium is methocillin-resistant *Staphylococcus aureus* cell or vancomycin-resistant *Enterococcus*.

85. (Previously presented) The anti-microbial composition according to claim 83, wherein said drug-resistant bacterium is methocillin-resistant *Staphylococcus aureus* cell or vancomycin-resistant *Enterococcus*.

86. (Withdrawn) The anti-microbial composition according to claim 80, wherein said composition is a liposomal formulation.

87. (Previously presented) The anti-microbial composition according to claim 81, wherein said composition is a liposomal formulation.

88. (Withdrawn) The anti-microbial composition according to claim 80, wherein said anti-microbial composition is formulated for incorporation into a cosmetic product, personal care product, cleanser, polish, paint, spray, soap, or detergent.

89. (Previously presented) The anti-microbial composition according to claim 81, wherein said anti-microbial composition is formulated for incorporation into a cosmetic product, personal care product, cleanser, polish, paint, spray, soap, or detergent.

90. (Withdrawn) The anti-microbial composition according to claim 80, wherein said anti-microbial composition is an anti-bacterial composition and said one or more compounds have anti-bacterial activity.

91. (Previously presented) The anti-microbial composition according to claim 81, wherein said anti-microbial composition is an anti-bacterial composition and said one or more compounds have anti-bacterial activity.

92. (Withdrawn) The anti-microbial composition according to claim 90, wherein said anti-bacterial composition is capable of inhibiting the growth of one or more gram-positive bacteria.

93. (Previously presented) The anti-microbial composition according to claim 91, wherein said anti-bacterial composition is capable of inhibiting the growth of one or more gram-positive bacteria.

94. (Withdrawn) The anti-microbial composition according to claim 90, wherein said anti-bacterial composition is capable of inhibiting the growth of one or more bacteria selected from the group of: *Enterococcus faecalis, Enterococcus faecium, Staphylococcus aureus* and *Staphylococcus epidermidis*.

95. (Previously presented) The anti-microbial composition according to claim 91, wherein said anti-bacterial composition is capable of inhibiting the growth of one or more bacteria selected from the group of: *Enterococcus faecalis, Enterococcus faecium, Staphylococcus aureus* and *Staphylococcus epidermidis*.

96. (Withdrawn) The antimicrobial composition according to claim 80, wherein said one or more compounds are selected from compounds: **15, 16, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 42, 43, 48, 49, 50, 51, 54, 55, 75,** 77 or **84**.

97. (Withdrawn) The antimicrobial composition according to claim 80, wherein said one or more compounds are selected from compounds: **25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 42, 43, 48, 49, 50, 51, 54, 55, 75** or **84**.

98. (Currently Amended) The antimicrobial composition according to claim 81, wherein said one or more compounds are selected from compounds: **44, 45, 46, 47, 52,** or **53~~, 81 or 82~~**.

99. (Previously presented) The antimicrobial composition according to claim 81, wherein said one or more compounds are selected from compounds: **44, 45, 46,** or **53.**

100. (Withdrawn) A method of inhibiting the growth and/or proliferation of a microbial cell comprising contacting said microbial cell with an effective amount of one or more compounds according to claim 23.

101. (Withdrawn) A method of inhibiting the growth and/or proliferation of a microbial cell comprising contacting said microbial cell with an effective amount of one or more compounds according to claim 25.

102. (Withdrawn) The method according to claim 100 further comprising contacting said cell with one or more anti-microbial agent(s).

103. (Withdrawn) The method according to claim 101 further comprising contacting said cell with one or more anti-microbial agent(s).

104. (Withdrawn) The method according to claim 100, wherein said microbial cell is a bacterial cell and said one or more compounds have anti-bacterial activity.

105. (Withdrawn) The method according to claim 101, wherein said microbial cell is a bacterial cell and said one or more compounds have anti-bacterial activity.

106. (Withdrawn) The method according to claim 100, wherein said microbial cell is a fungal cell and said one or more compounds have anti-fungal activity.

107. (Withdrawn) The method according to claim 101, wherein said microbial cell is a fungal cell and said one or more compounds have anti-fungal activity.

108. (Withdrawn) A method for the treatment or prevention of a microbial infection in an animal in need thereof comprising administering to said animal an effective amount of one or more compounds according to claim 23.

109. (Withdrawn) A method for the treatment or prevention of a microbial infection in an animal in need thereof comprising administering to said animal an effective amount of one or more compounds according to claim 25.

110. (Withdrawn) The method according to claim 108, wherein said microbial infection is a bacterial infection and said compound has anti-bacterial activity.

111. (Withdrawn) The method according to claim 109, wherein said microbial infection is a bacterial infection and said compound has anti-bacterial activity.

112. (Withdrawn) The method according to claim 108, wherein said microbial infection is a fungal infection and said compound has anti-fungal activity.

113. (Withdrawn) The method according to claim 109, wherein said microbial infection is a fungal infection and said compound has anti-fungal activity.

114. (Withdrawn) The method according to claim 100, wherein said microbial cell is a drug-resistant bacterial cell and said one or more compounds have anti-bacterial activity.

115. (Withdrawn) The method according to claim 101, wherein said microbial cell is a drug-resistant bacterial cell and said one or more compounds have anti-bacterial activity.

116. (Withdrawn) The method according to claim 114, wherein said drug-resistant bacterial cell is a methocillin-resistant *Staphylococcus aureus* cell or a vancomycin-resistant *Enterococcus* cell.

117. (Withdrawn) The method according to claim 115, wherein said drug-resistant bacterial cell is a methocillin-resistant *Staphylococcus aureus* cell or a vancomycin-resistant *Enterococcus* cell.

118. (Withdrawn) The method according to claim 108, wherein said microbial infection is an infection by a drug-resistant bacterium and said one or more compounds have anti-bacterial activity.

119. (Withdrawn) The method according to claim 109, wherein said microbial infection is an infection by a drug-resistant bacterium and said one or more compounds have anti-bacterial activity.

120. (Withdrawn) The method according to claim 118, wherein said drug-resistant bacterium is methocillin-resistant *Staphylococcus aureus* or vancomycin-resistant *Enterococcus.*

121. (Withdrawn) The method according to claim 119, wherein said drug-resistant bacterium is methocillin-resistant *Staphylococcus aureus* or vancomycin-resistant *Enterococcus.*

122. (Withdrawn) The method according to claim 100, wherein said one or more compounds are formulated as a liposomal formulation.

123. (Withdrawn) The method according to claim 101, wherein said one or more compounds are formulated as a liposomal formulation.

124. (Withdrawn) The method according to claim 108, wherein said one or more compounds are formulated as a liposomal formulation.

125. (Withdrawn) The method according to claim 109, wherein said one or more compounds are formulated as a liposomal formulation.

126. (Withdrawn) The method according to claim 104, wherein said bacterial cell is a gram-positive bacterial cell.

127. (Withdrawn) The method according to claim 105, wherein said bacterial cell is a gram-positive bacterial cell.

128. (Withdrawn) The method according to claim 104, wherein said bacterial cell is an *Enterococcus faecalis, Enterococcus faecium, Staphylococcus aureus* or *Staphylococcus epidermidis* cell.

129. (Withdrawn) The method according to claim 105, wherein said bacterial cell is an *Enterococcus faecalis, Enterococcus faecium, Staphylococcus aureus* or *Staphylococcus epidermidis* cell.

130. (Withdrawn) The method according to claim 108, wherein said one or more compounds are administered in combination with one or more anti-microbial agent(s).

131. (Withdrawn) The method according to claim 109, wherein said one or more compounds are administered in combination with one or more anti-microbial agent(s).

132. (Withdrawn) The method according to claim 108, wherein said microbial infection is associated with a disease or disorder.

133. (Withdrawn) The method according to claim 109, wherein said microbial infection is associated with a disease or disorder.

134. (Withdrawn) The method according to claim 110, wherein said bacterial infection is a gram-positive bacterial infection.

135. (Withdrawn) The method according to claim 111, wherein said bacterial infection is a gram-positive bacterial infection.

136. (Withdrawn) The method according to claim 110, wherein said bacterial infection is an *Enterococcus faecalis, Enterococcus faecium, Staphylococcus aureus* or *Staphylococcus epidermidis* infection.

137. (Withdrawn) The method according to claim 111, wherein said bacterial infection is an *Enterococcus faecalis, Enterococcus faecium, Staphylococcus aureus* or *Staphylococcus epidermidis* infection.

138. (Withdrawn) The method according to claim 112, wherein said fungal infection is a Candida infection.

139. (Withdrawn) The method according to claim 113, wherein said fungal infection is a Candida infection.

140. (Withdrawn) The method according to claim 106, wherein said fungal cell is a Candida cell.

141. (Withdrawn) The method according to claim 107, wherein said fungal cell is a Candida cell.

142. (Withdrawn) The method according to claim 100, wherein said one of more compounds have structural formula III.

143. (Withdrawn) The method according to claim 101, wherein said one of more compounds have structural formula VII.

144. (Withdrawn) The method according to claim 100, wherein said one or more compounds are selected from compounds: **15, 16, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 42, 43, 48, 49, 50, 51, 54, 55, 75, 77** or **84**.

145. (Withdrawn) The method according to claim 101, wherein said one or more compounds are selected from compounds: **44, 45, 46, 47, 52, 53, 81** or **82**.

146. (Withdrawn) The method according to claim 100, wherein said one or more compounds are selected from compounds: **25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 42, 43, 48, 49, 51, 54, 55, 75** or **84**.

147. (Withdrawn) The method according to claim 101, wherein said one or more compounds are selected from compounds: **44, 45, 46** or **53**.

148. (Withdrawn) The method according to claim 108, wherein said one of more compounds have structural formula III.

149. (Withdrawn) The method according to claim 109, wherein said one of more compounds have structural formula VII.

150. (Withdrawn) The method according to claim 108, wherein said one or more compounds

compounds are selected from compounds: **15, 16, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 42, 43, 48, 49, 50, 51, 54, 55, 75, 77** or **84**.

151. (Withdrawn) The method according to claim 109, wherein said one or more compounds are selected from compounds: **44, 45, 46, 47, 52, 53, 81** or **82**.

152. (Withdrawn) The method according to claim 108, wherein said one or more compounds are selected from compounds: **25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 42, 43, 48, 49, 51, 54, 55, 75** or **84**.

153. (Withdrawn) The method according to claim 109, wherein said one or more compounds are selected from compounds: **44, 45, 46** or **53**.

154. (New) The compound according to claim 25, wherein:
R4 is hydrogen, lower alkyl or acyl;
R5, R6, R7, R8, and R9 are independently hydrogen, halogen, hydroxyl, thiol, lower alkyl, lower alkenyl, alkoxy, alkylthio, acyl, aryloxy, amino, amido, carboxyl, aryl, heterocycle, nitro, or cyano; and
R10 is H, lower alkyl, alkenyl, alkynyl, aryl, or acyl.

155. (New) The compound according to claim 25, wherein:
R4 is hydrogen or acyl;
R5, R6, R7, R8, and R9 are independently hydrogen, halogen, lower alkyl, amino, carboxyl, or nitro; and
R10 is H, lower alkyl or acyl.

156. (New) The compound according to claim 25, wherein:
R4 is hydrogen;

R5, R6, R7, R8, and R9 are independently hydrogen, halogen, or lower alkyl; and R10 is H or lower alkyl.

157. (New) The compound according to claim 26, wherein:

R11, R12, R14, R15, R16 and R18 are independently hydrogen or halogen; and R13 and R17 are hydrogen.